

ASSEMBLY BILL

No. 707

Introduced by Assembly Member Wood

February 25, 2015

An act to amend Section 51203 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 707, as introduced, Wood. Agricultural land: Williamson Act contracts: cancellation.

Existing law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, and authorizes a city or county to enter into 10-year contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation, as specified. Existing law provides for the procedure to cancel a contract entered into under these provisions, and provides that the landowner and the Department of Conservation may agree on the cancellation value of the land.

This bill would repeal the authorization for the landowner and the department to agree on the cancellation value of the land.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51203 of the Government Code is
2 amended to read:

1 51203. (a) The assessor shall determine the current fair market
2 value of the land as if it were free of the contractual restriction
3 pursuant to Section 51283. The Department of Conservation or
4 the landowner, also referred to in this section as “parties,” may
5 provide information to assist the assessor to determine the value.
6 Any information provided to the assessor shall be served on the
7 other party, unless the information was provided at the request of
8 the assessor, and would be confidential under law if required of
9 an assessee.

10 (b) Within 45 days of receiving the assessor’s notice pursuant
11 to subdivision (a) of Section 51283 or Section 51283.4, if the
12 Department of Conservation or the landowner believes that the
13 current fair market valuation certified pursuant to subdivision (b)
14 of Section 51283 or Section 51283.4 is not accurate, the department
15 or the landowner may request formal review from the county
16 assessor in the county considering the petition to cancel the
17 contract. The department or the landowner shall submit to the
18 assessor and the other party the reasons for believing the valuation
19 is not accurate and the additional information the requesting party
20 believes may substantiate a recalculation of the property valuation.
21 The assessor may recover his or her reasonable costs of the formal
22 review from the party requesting the review, and may provide an
23 estimate of those costs to the requesting party. The recovery of
24 these costs from the department may be deducted by the city or
25 county from cancellation fees received pursuant to this chapter
26 prior to transmittal to the Controller for deposit in the Soil
27 Conservation Fund. The assessor may require a deposit from the
28 landowner to cover the contingency that payment of a cancellation
29 fee will not necessarily result from the completion of a formal
30 review. This subdivision shall not be construed as a limitation on
31 the authority provided in Section 51287 for cities or counties to
32 recover their costs in the cancellation process, except that the
33 assessor’s costs of conducting a formal review shall not be borne
34 by the nonrequesting party.

35 (1) If no request is made within 45 days of receiving notice by
36 certified mail of the valuation, the assessor’s valuation shall be
37 used to calculate the fee.

38 (2) Upon receiving a request for formal review, the assessor
39 shall formally review his or her valuation if, based on the
40 determination of the assessor, the information may have a material

1 effect on valuation of the property. The assessor shall notify the
2 parties that the formal review is being undertaken and that
3 information to aid the assessor's review shall be submitted within
4 30 days of the date of the notice to the parties. Any information
5 submitted to the assessor shall be served on the other party who
6 shall have 30 days to respond to that information to the assessor.
7 If the response to the assessor contains new information, the party
8 receiving that response shall have 20 days to respond to the
9 assessor as to the new information. All submittals and responses
10 to the assessor shall be served on the other party by personal service
11 or an affidavit of mailing. The assessor shall avoid ex parte contacts
12 during the formal review and shall report any such contacts to the
13 department and the landowner at the same time the review is
14 complete. The assessor shall complete the review no later than 120
15 days of receiving the request.

16 (3) At the conclusion of the formal review, the assessor shall
17 either revise the cancellation valuation or determine that the
18 original cancellation valuation is accurate. The assessor shall send
19 the revised valuation or notice of the determination that the
20 valuation is accurate to the department, the landowner, and the
21 board or council considering the petition to cancel the contract.
22 The assessor shall include a brief narrative of what consideration
23 was given to the items of information and responses directly
24 relating to the cancellation value submitted by the parties. The
25 assessor shall give no consideration to a party's information or
26 response that was not served on the other party. If the assessor
27 denies a formal review, a brief narrative shall be provided to the
28 parties indicating the basis for the denial, if requested.

29 (c) For purposes of this section, the valuation date of any revised
30 valuation pursuant to formal review or following judicial challenge
31 shall remain the date of the assessor's initial valuation, or his or
32 her initial recomputation pursuant to Section 51283.4. For purposes
33 of cancellation fee calculation in a tentative cancellation as
34 provided in Section 51283, or in a recomputation for final
35 cancellation as provided in Section 51283.4, a cancellation value
36 shall be considered current for one year after its determination and
37 certification by the assessor.

38 ~~(d) Notwithstanding any other provision of this section, the~~
39 ~~department and the landowner may agree on a cancellation~~
40 ~~valuation of the land. The agreed valuation shall serve as the~~

1 ~~cancellation valuation pursuant to Section 51283 or Section~~
2 ~~51283.4. The agreement shall be transmitted to the board or council~~
3 ~~considering the petition to cancel the contract.~~
4 (e)
5 (d) This section represents the exclusive administrative
6 procedure for appealing a cancellation valuation calculated pursuant
7 to this section. The Department of Conservation shall represent
8 the interests of the state in the administrative and judicial remedies
9 for challenging the determination of a cancellation valuation or
10 cancellation fee.